

## WALL STREET JOURNAL

## Reform of the CIA

STAT By ARTHUR SCHLESINGER JR.

The nation is in debt to the Church and Pike Committees for forcing the administration to come up with a reorganization of the national intelligence business. The White House has known about the CIA abuses for a very long time. Another sort of President would have proposed remedial action many months ago. Had Mr. Ford done so, he could have averted the frustration that came to pervade the congressional hearings. It was this frustration that led some on the congressional side to turn to leaks as a means of creating pressure for reform. But Mr. Ford chose to delay. For all we know, he might never have done anything at all without the committees barking at his heels.

The President's proposals, though belated, are considered and deserve a careful hearing. He was emphatic—and rightly so—about the importance of the intelligence community. Of course we must have something like the CIA, with capability for covert political (but not paramilitary) action as well as for intelligence collection. He was less emphatic about the way the agency has misused its power, perhaps because he thinks enough has been made of this elsewhere, perhaps because he does not feel all that strongly about it himself. Indeed, he plainly displays a good deal more indignation about congressional leaks than about CIA abuses. This may not be the best mood in which to approach the problem. Surely any dispassionate observer is bound to conclude that the abuses have harmed the Republic considerably more than the leaks.

The problem of oversight must be considered in three levels. One level is congressional oversight. Here Mr. Ford wisely recommends a single oversight committee, thereby agreeing with Sen. Church rather than with Sen. Tower of his own party. But he insists on the right to control the oversight committee's use of classified information. This would have the practical effect of making the committee informed but impotent. Sen. Church's bill (S. 2893) proposes a different procedure. If the committee thinks that the national interest requires disclosure of classified information, the President is given 10 days to explain why he disagrees; then, if he fails to persuade the committee, the President can carry the question to the full Senate for consideration in executive session. Perhaps in this case the Senate should make its decision, not by the majority vote assumed in the Church bill, but by the two-thirds required to override a presidential veto. All this presupposes that the information would not leak along the way; but the experience of the Joint Atomic Energy Committee suggests that congressional committees, when they do not feel hopelessly frustrated by the Executive, can behave responsibly.

## Mr. Ford's New Laws

Mr. Ford also wants the Congress to pass some laws. These laws, far from reducing the scope of CIA activities, would give the agency new power and protection. He spoke peculiarly in his press conference about statutes providing "judicial safeguards against electronic surveillance and mail openings"; but his legislative proposals in fact seek judicial safeguards for these things, and his executive order expands CIA authority in other ways.

Most ominous is his call for legislation to make it a crime for those with authorized access to intelligence secrets to reveal such information improperly. This sounds plausible enough on the face. However, it assumes the infallibility of the system of security classification. Yet, if we know anything, we know government's penchant for the misuse of classification to conceal not only official schemes that could hardly survive the light of day but incompetence and even corruption. Think for a moment what Messrs. Nixon, Haldeman and Ehrlichman could have done with Mr. Ford's

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*Would Mr. Ford's changes have in fact prevented the abuses the Church and Pike committees have so usefully put on the record?*

law! Throughout American history aggrieved government employees have felt themselves morally justified in violating a system of secrecy invoked (as they have conscientiously believed) by government against the national interest. In many of these instances history has vindicated those who thought that Congress and the people ought to know what their government was doing.

The only excuse for Mr. Ford's proposal would be a dire and desperate state of national emergency. Yet we went through the Civil War and two world wars without such a law. No disaster resulted. If we did not need it in those infinitely more dangerous times, we certainly do not need it now.

A second level of oversight is within the Executive Branch. Here Mr. Ford proposes to formalize and tighten the process by which covert operations are authorized, replacing the old Forty Committee by a new Operations Advisory Group. The new group, like the old, will consist of over-worked and harried officials whose primary responsibilities mainly lie elsewhere. One hopes rather wanly that the formalization of the process may induce them to take these decisions more seriously than they have done in the past. One hopes too that the CIA will submit all covert operations to the new group. It has not bothered to do so in the past.

Then there will be the three outside wise men. The Intelligence Oversight Board, one gathers, will not be a fulltime job but will meet periodically to review control mechanisms and to receive reports from inspectors-general. The basic idea here is sound, but it loses credibility when it is exclusively a presidential instrument. It would be a far, far better idea if it had a statutory base and if the statute required bipartisan representation on the board and senatorial confirmation for its members. Such a statute should also, as Mr. Ford's executive order does not, explicitly enjoin employees who think their agencies may be violating the law to carry their suspicions to the Oversight Board and assure them thorough protection when they do so. They would of course be rather more likely to blow their whistles to a board established by Congress than to one appointed solely by the Executive.

A third level is within the CIA itself. The record makes it indisputable that the agency has been singularly and fatally defective in its mechanisms of internal control. The CIA pretends to have an inspector general, but this officer, the Rockefeller Commission conceded last year, "was sometimes refused access to particularly sensitive CIA activities." The Intelligence Branch of the CIA was never asked to estimate the probable reaction of the Cuban people to the Bay of Pigs. John McCone was never told about the Castro assassination projects until, two years after he had become CIA Director, he read in a newspaper article that his agency had a relationship with a Chicago gangster. Even then he was given to understand that the projects had been terminated, though in fact they were continuing. No one, within the CIA or without, appears to have known at all times all the things the CIA was doing.

## Mr. Bush's Qualifications

In this connection, I must dissent from those who question George Bush's qualifications for the CIA job. He has, in my judgment, the right qualifications—and I mean not just his service at the UN and in Peking but also his service in the House of Representatives and even at the Republican National Committee. What the CIA needs above all is top leadership responsive to Congress and to public opinion and both accustomed and committed to our democratic process and constitutional order. The trouble with professional intelligence operatives—William Colby was a refreshing exception—is that their prolonged immersion in the isolated, self-contained, self-justifying, hallucinatory world of deception and secrecy tends to sever their links to reality. One reads with concern that Mr. Bush's new responsibilities will leave the day-to-day management of the agency in the hands of his deputy director. I trust that this does not mean the recapture of operational control by the professionals.

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